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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,448	07/13/2004	Joshua Dov Cohen	COJD5002AP	9419

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EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,448

Applicant(s)

COHEN, JOSHUA DOV

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/6/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (5,330,249). Weber discloses a bicycle seat (80) comprising a first rigid posterior base section (86) defining a relatively wide first support surface for use by the rider; and a nose (figures 5,10,12 the front portion 84 of the seat) section extending forwardly and centrally of the posterior base section and defining a relatively narrow width, elongated second support surface for use of the rider, the nose section second support (90) surface being supported on said nose section in a manner which enables said support surface to relocate its position in response and proportionate to the amount of load placed thereon by the rider; the angle between the central axis of the nose section and the vertical plane containing the leading front edge of the first support surface is within a range of 90-125°, see columns 5-8. In regards to claim 3, wherein the first support surface is substantially flat. In regards to claim 4, wherein the first support surface is slightly concave, see figures 7-9 and 12. In regards to claim 5, wherein the nose section includes a second rigid base section forming an extension of said first rigid base section and being adapted to support the second support surface in the manner. In

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regards to claim 6, further comprising a deformable means (22) operatively associated with the nose section for supporting the second support surface at locations corresponding to the amount of load placed on the second support means. In regards to claim 7, the deformable means includes a portion (72) means to limit and centrally locate of the nose section deformation. In regards to claim 8, wherein the deformable means comprise a deformable tubular structure having an internal lengthwise extending rib (28) within the structure, and which accepts the load placed on the second support surface, a stop (74a) formation in the path of the rib to limit movement of the rib, and load deformable means mounting the rib. In regards to claim 9, a first rigid posterior base section (rear part of the seat, the wide section); and a nose section (the front part of the seat) extending forwards and centrally of the posterior base section defining a relatively narrow width, elongated second support surface for use of the rider, the nose section second support surface being supported on the nose section in a manner which enables the support surface to relocate its position in response and proportionate to the amount of load placed thereon by the rider; the angle between the central axis of the nose section and the vertical plane containing the leading front edge of the first support surface is within a range of 90-125°. In regards to claim 10, further comprises a posterior base section (86) having a relatively wide substantially flat first support surface for use by the rider and that slopes anteriorly; a nose section (84) extending forwardly and centrally of the posterior vase section and having a relatively narrow elongated second support surface for use by the rider; the angle between the central axis of the

nose section and the vertical plane containing the leading front edge of the first support surface is within a range of 90-125°.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 7/6/05 have been fully considered but they are not persuasive.

In regards to applicant's argument that Weber fails to claim "*a transition from the posterior section to a nose section of the relatively narrow width is within an angle of 90 to 125 degrees*". The examiner is of the opinion that Weber does show the transition from the posterior section (86) to a nose section of the relatively narrow width is within an angle of 90 to 125 degrees, as shown on figures 5,10 and 12.

In regards to applicant's argument that Weber fails to show a *bicycle seat having a wide posterior seat section and a nose section*. Applicant attention is drawn to the above rejection. The examiner is of the opinion that Weber does show a bicycle seat having a wide posterior seat section (84) and a nose section (86).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

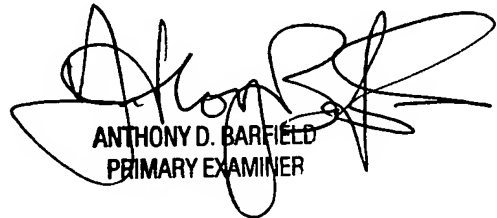
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EGS 
September 15, 2005


ANTHONY D. BARFIELD
PRIMARY EXAMINER